

AMENDED IN ASSEMBLY SEPTEMBER 9, 1999

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN ASSEMBLY JULY 15, 1999

AMENDED IN ASSEMBLY JUNE 29, 1999

AMENDED IN ASSEMBLY JUNE 15, 1999

AMENDED IN SENATE MAY 11, 1999

AMENDED IN SENATE APRIL 5, 1999

## SENATE BILL

**No. 316**

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### **Introduced by Senators Chesbro and Leslie**

(Coauthors: Assembly Members Aanestad, Dickerson, Florez, House, Kuehl, Machado, Olberg, Strom-Martin, and Thomson)

February 8, 1999

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An act to amend ~~Section 15202~~ *Sections 15202 and 24011* of, and to add Section 15205 to, the Government Code, relating to state and local government.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 316, as amended, Chesbro. State and local government.

#### **Existing**

(1) *Existing* law authorizes counties that are responsible for the cost of a homicide trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement by the state for the expenses incurred according to specified percentages based on population only

until January 1, 2000, and, then, on or after January 1, 2000, by a different formula.

This bill would extend the termination date to January 1, 2005, and delay the operation of the provisions providing for a different compensation formula until January 1, 2005.

The bill would also provide that moneys appropriated in the Budget Act of 1999 for local assistance payments to counties for the cost of homicide trials shall be available to reimburse 100% of any costs incurred by the County of Lake for the homicide trials of *People v. Charles Craft*, *People v. Stanley Hines*, and *People v. Jerrold Johnson*.

*(2) Existing law authorizes the boards of supervisors of specified counties to provide, by ordinance, that the public administrator shall be appointed by the board, and authorizes specified counties to appoint the same person to the offices of public administrator, veteran services officer, and public guardian.*

*This bill would include Solano County within those counties whose board of supervisors would be authorized to provide for the appointment of the public administrator by the board. It would also authorize the Board of Supervisors of Solano County to appoint the same person to the offices of public administrator and public guardian.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15202 of the Government Code,  
2 as amended by Section 1 of Chapter 583 of the Statutes of  
3 1996, is amended to read:  
4 15202. (a) A county with a population of 300,000 or  
5 less, at the time of the 1980 decennial census, that is  
6 responsible for the cost of a trial or trials or any hearing  
7 of a person for the offense of homicide may apply to the  
8 Controller for reimbursement of 90 percent of the costs  
9 incurred by the county for each homicide trial or hearing,  
10 without regard to fiscal years, in excess of the amount of  
11 money derived by the county from a tax of 0.00625 of 1

1 percent of the full value of property assessed for purposes  
2 of taxation within the county.

3 (b) (1) A county with a population of 200,000 or less,  
4 as of January 1, 1990, that is responsible for the cost of two  
5 or more trials or hearings within a fiscal year of a person  
6 or persons for the offense of homicide may apply to the  
7 Controller for reimbursement of 90 percent of the costs  
8 incurred in a fiscal year by the county for the conduct of  
9 the first trial within a fiscal year, and 85 percent of the  
10 costs incurred in a fiscal year by the county for the  
11 conduct of any and all subsequent trials or hearings in  
12 excess of the amount of money derived by the county  
13 from a tax of 0.00625 of 1 percent of the full value of  
14 property assessed for purposes of taxation within the  
15 county.

16 (2) A county with a population of 200,000 or less, as of  
17 January 1, 1990, that, within a fiscal year, is reimbursed for  
18 costs incurred by the county for the conduct of only one  
19 trial or hearing pursuant to subdivision (a) shall be  
20 reimbursed for that one trial or hearing in subsequent  
21 fiscal years for costs incurred in those subsequent fiscal  
22 years without again being required to expend county  
23 funds equal to 0.00625 of 1 percent of the full value of  
24 property assessed for purposes of taxation within the  
25 county, so long as all reimbursements to the county under  
26 this paragraph are for only that one trial or hearing.

27 For purposes of this subdivision, in determining the  
28 costs of a homicide trial, trials, hearing, or hearings, the  
29 costs shall include, all pretrial, trial, and posttrial costs  
30 incurred in connection with the investigation,  
31 prosecution, and defense of a homicide case or cases  
32 within a fiscal year, including, but not limited to, the costs  
33 incurred by the district attorney, sheriff, public defender,  
34 and witnesses, that were reasonably required by the court  
35 and participants in the case or cases, and other  
36 extraordinary costs associated with the investigation in  
37 homicide cases.

38 (c) A county with a population exceeding 300,000 at  
39 the time of the 1980 decennial census that is responsible  
40 for the cost of a trial or trials or any hearing of a person

1 for the offense of homicide may apply to the Controller  
2 for reimbursement of 80 percent of the costs incurred by  
3 the county in excess of the amount of money derived by  
4 the county from a tax of 0.00625 of 1 percent, and not in  
5 excess of the amount of money derived from a tax of  
6 0.0125 of 1 percent, and for reimbursement of 100 percent  
7 of the costs incurred in excess of the amount of money  
8 derived from a tax of 0.0125 percent, of the full value of  
9 property assessed for purposes of taxation within the  
10 county.

11 (d) The Controller shall not reimburse any county for  
12 costs that exceed the standards for travel and per diem  
13 expenses set forth in Sections 700 to 715, inclusive, and  
14 Section 718 of Title 2 of the California Code of  
15 Regulations. The Controller may reimburse  
16 extraordinary costs in unusual cases if the county provides  
17 sufficient justification of the need for these expenditures.  
18 Nothing in this section shall permit the reimbursement of  
19 costs for travel in excess of 1,000 miles on any single round  
20 trip, without the prior approval of the Attorney General.

21 (e) The Legislature recognizes that the conduct of  
22 trials for persons accused of homicide should not be  
23 hampered or delayed because of a lack of funds available  
24 to the counties for that purpose. While this section is  
25 intended to provide an equitable basis for determining  
26 the allocation to the state of the costs of homicide trials in  
27 any particular county, the rising costs of those trials  
28 necessitate an objective study to assure reasonable  
29 financial restraints and incentives for cost-effectiveness  
30 that do not place an unreasonable burden on the treasury  
31 of the smaller counties.

32 This section shall remain operative only until January  
33 1, 2005, and as of that date is repealed.

34 SEC. 2. Section 15202 of the Government Code, as  
35 amended by Section 3 of Chapter 437 of the Statutes of  
36 1994, is amended to read:

37 15202. A county which is responsible for the cost of a  
38 trial or trials or any hearing of a person for the offense of  
39 homicide may apply to the Controller for reimbursement  
40 of the costs incurred by the county in excess of the

1 amount of money derived by the county from a tax of  
2 0.0125 of 1 percent of the full value of property assessed  
3 for purposes of taxation within the county.

4 The Controller shall not reimburse any county for costs  
5 that exceed the State Board of Control's standards for  
6 travel and per diem expenses. The Controller may  
7 reimburse extraordinary costs in unusual cases if the  
8 county provides sufficient justification of the need for  
9 these expenditures. Nothing in this section shall permit  
10 the reimbursement of costs for travel in excess of 1,000  
11 miles on any single round trip, without the prior approval  
12 of the Attorney General.

13 This section shall become operative on January 1, 2005.

14 SEC. 3. Section 15205 is added to the Government  
15 Code, to read:

16 15205. Notwithstanding any other provision of law,  
17 funds appropriated in the Budget Act of 1999 for local  
18 assistance payments to counties for the cost of homicide  
19 trials shall be available to reimburse 100 percent of any  
20 costs incurred by the County of Lake for the homicide  
21 trials of People v. Charles Craft, People v. Stanley Hines,  
22 and People v. Jerrold Johnson.

23 *SEC. 4. Section 24011 of the Government Code is*  
24 *amended to read:*

25 24011. Notwithstanding the provisions of Section  
26 24009:

27 (a) The boards of supervisors of Madera County,  
28 Mendocino County, *Solano County*, Trinity County, and  
29 Lake County may, by ordinance, provide that the public  
30 administrator shall be appointed by the board.

31 (b) The boards of supervisors of Madera County,  
32 Mendocino County, Trinity County, and Lake County  
33 may appoint the same person to the offices of public  
34 administrator, veteran service officer, and public  
35 guardian. *The Board of Supervisors of Solano County*  
36 *may, by ordinance, appoint the same person to the offices*  
37 *of public administrator and public guardian.*

38 (c) The boards of supervisors of Madera County,  
39 Mendocino County, Trinity County, and Lake County  
40 may separate the consolidated offices of district attorney

1 and public administrator at any time in order to make the  
2 appointments permitted by this section. Upon approval  
3 by the board of supervisors, the officer elected to these  
4 offices at any time may resign, or decline to qualify for,  
5 the office of public administrator without resigning from,  
6 or declining to qualify for, the office of district attorney.

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